

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed January 16, 2009, ("Office Action"). Applicant respectfully requests reconsideration of the rejections of claims 1, 3-15, 17-29, and 31-39 for at least the following reasons.

I. Claim Rejections under 35 U.S.C. § 103

Claims 1, 5-8, 10, 13, 15, 19-22, 24, 27, 29, and 33-39 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,504,479 to Lemons et al ("Lemons") in view of U.S. Patent No. 6,392,583 to Shere ("Shere") and further in view of U.S. Patent No. 6,658,463 to Dillon et al ("Dillon") and further in view of U.S. Patent No. 6,696,942 to Sweatt ("Sweatt"). Claims 3, 4, 17, 18, 31, and 32 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lemons in view of Shere in view of Dillon in view of Sweatt and in further view of U.S. Patent No. 6,643,510 to Taylor ("Taylor"). Claims 9 and 23 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lemons in view of Shere in view of Dillon in view of Sweatt and in further view of U.S. Patent No. 6,764,261 to Stadler ("Stadler"). Claims 11 and 25 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lemons in view of Shere in view of Dillon in view of Sweatt and in further view of U.S. Patent No. 6,614,884 to Jang ("Jang"). Claims 12, 14, 26, and 28 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lemons in view of Shere in view of Dillon in view of Sweatt and in further view of U.S. Patent No. 6,577,234 to Dohrmann ("Dohrmann").

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Patent Office can satisfy this burden only by showing some objective teaching in the prior

art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984). That is, under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. Id. However, the motivation cannot come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the art would make the combination. Id.

Regarding claim 1, the Examiner asserts that the claimed invention would have been obvious in view of Lemons, Shere, Dillon, and Sweatt. The Office Action fails to provide proper motivation for combining the disparate teachings of Lemons, Shere, Dillon, and Sweatt. In particular, Applicant respectfully submits that Lemons teaches away from Shere. Lemons appears to disclose an integrated security system which is used to monitor an installation, a building, or a facility 12 to detect the presence of an intrusion. *See, e.g.*, column 4, lines 13-16. Lemons also discloses in Figure 4, that if any sensors S1-S4, actuators L2, or access control panels A1 detects an intrusion into the facility 12, an alarm signal is sent from a site control unit (SCU) 14 through communications termination equipment (CTE) 34 and communications channel 36 to communications termination equipment (CTE) 40 located at a monitoring center 38. According to Lemons, an operator, located at the monitoring center 38, may request to view video from the cameras 108-118, to verify the presence of an intrusion. *See, e.g.*, column 7, lines 26-32. (emphasis added). Thus, Lemons purports to disclose an integrated security system

having sensors, actuators, and cameras located at a monitoring facility to detect a presence of an intrusion. In contrast, Shere discloses a seismic sensor 100 located deep in the earth that detects a high magnitude earthquake. According to Shere, the sensor provides an output signal to a transmitting device 102, which transmits via a conventional communications link (or combination of links) 104 to a receiver 106 at or adjacent a central office 108. *See, e.g.*, column 1, line 65 to column 2, line 3. (emphasis added). Shere also discloses in Figure 2, that sensors 200 may not be limited only to earthquake sensors, but include tornado or other types of sensors. The central monitoring office 208 receives a signal from one such sensor and, via transceiver 210, can implement emergency disconnects through utility gateway 214, can notify a customer via a pager 216, and can notify the home/homeowner. *See, e.g.*, column 2, lines 37-43. Thus, Shere purports to disclose sensors for detecting earthquake and tornado coupled to a central office that are located away from a monitoring facility (*e.g.*, home/homeowner). Therefore, Applicant respectfully submits that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to combine an earthquake notification system having sensors located away from a monitoring facility of Shere with an integrated security system having sensors located within a monitoring facility of Lemons.

Also, Applicant respectfully submits that Lemons discloses a single or common communications channel 36 to control and communicate with all features and functions of a site control unit (SCU) 14, control components 16, sensor components 18, video and audio components 20, and bidirectional components 22. *See, e.g.*, column 5, lines 15-18. In particular, Lemons discloses that site control unit (SCU) 14 provides an output over a connection 32 through communications termination equipment (CTE) 34. The connection 32 may be through an Ethernet type cabling system. The CTE 34 transmits and receives signals over a

communication signal 36 to and from a monitoring center 38. *See, e.g.*, column 4, lines 25-30. In contrast, Shere discloses a communication channel (*e.g.*, fiber optics or cables) between sensors and a central office and a disparate communication channel (*e.g.*, satellite) between the central office and facilities that receive warning signals from the central office. Specifically, Shere discloses that sensors 200 may be connected to the central office 208 via fiber optics, cables or wireless links. The central office 208 can be connected via a wireless link to gated communities, homes, business, etc. *See, e.g.*, column 2, lines 64-67. Shere also discloses that in addition to the two-way communication via wireless link with premises that are monitored directly by the central office, the system may provide for the central office to communicate with other homes, buildings or persons via any number of communications mechanisms, *e.g.*, via utility lines, pagers, phones, television (wireless or cable), satellite, cellular telephone, 2-way radio or via security monitoring link. *See, e.g.*, column 3, lines 3-10. Therefore, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a channel linking a central office and monitored premises of Shere for a communications channel linking sensors located at monitored premises with a monitoring center of Lemons.

Further, the Examiner admits and Applicant agrees that Lemons in view of Shere fails to disclose, or even suggest, "communicating means comprising at least a satellite return channel, as recited in claim 1. For this major deficiency, the Examiner relies upon Dillon's satellite multicast proxy to teach this missing limitation. The Examiner summarily concludes that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Lemons and Shere according to the teachings of Dillon to use a satellite return channel to accomplish the two -way communication." Applicant respectfully disagrees. The motivation relied upon by the Examiner fails to consider how the systems of Lemons and

Shere could be reasonably modified based on the alleged teaching. One having ordinary skill in the art at the time of the invention would not look to combine the teachings of Lemons, Shere and Dillons. Moreover, the Examiner's statement of motivation is not based on any teaching but rather is a clear example of improper hindsight. Lemons seems to refer to an integrated security system for monitoring premises to detect an intrusion onto the premises and alerting a subscriber of the detection of an intrusion. In contrast, Shere seems to refer to a seismic sensor located deep in the earth to detect an earthquake and alerting a subscriber of the detection of an earthquake. Moreover, Dillon seems to refer to a distribution of World Wide Web content over a geosynchronous satellite communications network. Therefore, one having ordinary skill in the art at the time the invention would not look to modify a premise security system of Lemons with the earthquake detection system of Shere and the World Wide Web communication network of Dillon. Applicant respectfully disagrees. Report reporting, condition monitoring and communications are non-analogues fields of art. Therefore, one of ordinary skill in the art would not combine a premise security system of Lemons with the earthquake detection system of Shere and the World Wide Web communication network of Dillon.

Moreover, Lemons teaches away from "communicating means comprising at least a return satellite channel," as recited in claim 1. More specifically, Lemons discloses "a common communications channel for exchange of information and the reporting of alarms ... The communications channel is capable of only of being used so long as required to send and receive appropriate data and instructions." *See* column 2, lines 56-63. Therefore, Lemons discloses the use of a common communication channel to send and receive appropriate data, rather than "at least a return satellite channel." Dillon discloses "a satellite communications networks having an outbound high speed, continuous channel carrying packetized data and either a satellite inbound

channel or a terrestrial inbound channel.” *See* column 1, lines 17-20. Therefore, one having ordinary skill in the art at the time of the invention would not have been motivated to modify a common communication channel of Lemons with a satellite communications networks of Dillon having two disparate inbound and outbound channels. Furthermore, the Examiner fails to provide a proper statement of motivation as to why one of ordinary skill in the art would modify Lemons that admittedly shows only a common communication channel to accomplish two-way communication.

In addition, Shere also teaches away from “communicating means comprising at least a return satellite channel,” as recited in claim 1. More specifically, Shere discloses in Figure 2, that the pre-notification sensors 200 connected to the central monitoring office 208 via a unidirectional communication system. In other words, the pre-notification sensors 200 only transmit to the central monitoring office 208 and there is no return channel from the central monitoring office 208 back to the pre-notification sensors 200.

Furthermore, Applicant respectfully submits that Lemons teaches away from Sweatt. As discussed above, Lemons discloses an integrated security system to monitor an installation, a building, or a facility 12 to detect the presence of an intrusion. *See*, e.g., column 4, lines 13-16. Lemons also discloses, in Figure 4, that if any sensors S1-S4, actuators L2, or access control panels A1 detects an intrusion into the facility 12, an alarm signal is sent from a site control unit (SCU) 14 through communications termination equipment (CTE) 34 and communications channel 36 to communications termination equipment (CTE) 40 located at a monitoring center 38. An operator, located at the monitoring center 38, may request to view video from the cameras 108-118, to verify the presence of an intrusion. *See*, e.g., column 7, lines 26-32. In contrast, Sweatt merely discloses an emergency warning network that notifies specified people

of impending dangers. These dangers might include: terrorist alerts and advisories, fires, explosions, chemical spills, hostage takings, radiation leaks, and the spread of biological agents or gasses. *See*, e.g., column 1, lines 37-42. Sweatt also discloses that the emergency warning network includes a base station 12 for broadcasting a warning signal 14 via a first, earth-orbiting satellite 16 to a first substation 18 and a second substation 20. *See*, e.g., column 2, lines 25-28. Therefore, Sweatt merely discloses an emergency warning broadcasting system that notifies specified people of impending dangers. Thus, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine an emergency warning broadcasting system of Sweatt with the integrated security system of Lemons. Accordingly, Applicant respectfully submits that claim 1 is allowable over Lemons, Shere, Dillon, and Sweatt.

Regarding claims 3-14, these claims are dependent upon independent claim 1. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). Thus, since independent claim 1 should be allowable as discussed above, claims 3-14 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 15, 29, 36, 38, and 39, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 15, 29, 36, 38, and 39. Accordingly, Applicant respectfully submits that claims 15, 29, 36, 38, and 39 are allowable over Lemons, Shere, Dillon, and Sweatt for the same reasons as set forth above with respect to claim 1.

Regarding claims 17-28, 31-35, and 37, these claims are dependent upon independent claims 15, 29, and 36. If an independent claim is nonobvious under 35 U.S.C. 103, then any

claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). Thus, since independent claims 15, 29, and 36 should be allowable as discussed above, claims 17-28, 31-35, and 37 should also be allowable at least by virtue of their dependency on independent claims 15, 29, and 36. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, Applicant respectfully requests that the aforementioned obviousness rejection of claims 1, 3-15, 17-29, and 31-39 be withdrawn.

CONCLUSION

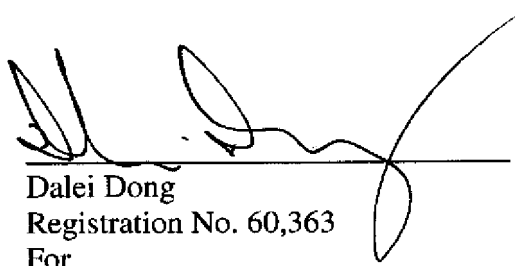
In view of the foregoing remarks and arguments, Applicant respectfully submits that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

The Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicant also authorizes the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:

A handwritten signature in black ink, appearing to read 'Dalei Dong', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke.

Dalei Dong
Registration No. 60,363
For

Yisun Song
Registration No. 44,487

Dated: April 6, 2009

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W. Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)